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Office of the Secretary
Federal Communications Commission
1919 M. Street N.W.
Washington, DC 20554

To Whom It May Concern:

Attached is an original and four copies of formal comments being filed as part of the Rulemaking proceeding, MM Docket 94-130, concerning the proposal to permit unattended operation of broadcast stations.

Any questions should be directed to the undersigned.

Yours very truly,

James P. Wagner

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the matter of	)	
	)	
	)	MM Docket No. 94-130
Amendment of Parts 73 and 74 of the Commission's Rules to permit unattended operation of broadcast station transmitter control and monitoring requirements.	)	

Directed to the Secretary

COMMENTS ON NOTICE OF PROPOSED RULEMAKING

The purpose of these comments is to express approval of the proposed waiver of the requirement that a broadcast station must have a licensed operator on duty in charge of the transmitter during periods of broadcast operation, as well as to present comments regarding operation of stations regarding the Notice of Proposed Rulemaking.

These comments are being filed by myself, as an individual, and are not connected or related to any group or organization. My interest is generated through 25 years of employment in the radio broadcast industry, being a broadcast technician and chief operator for many years at both large station operations (50kw clear channel) and small market station operations, as well as VP of Engineering for a major radio broadcast group owner. Presently I own and operate a small market radio station. I have MBA and BS degrees from accredited schools and a General Class Radiotelephone Operators Permit (formerly a P1). I am a member of the Society of

Broadcast Engineers, and have been employed as an adjunct professor teaching communications and broadcasting courses at an accredited liberal arts college.

These comments are congruent with the thoughts expressed by the Commission. That is, that the "...requirement for a licensed duty operator and the costs and burdens imposed by such requirement no longer appear to be necessary or appropriate in light of the many improvements which have been made in the stability, reliability and automatic control of transmission systems." and "...the need for the duty operator [is] largely superfluous." But, in an industry that has been operating effectively, and, for the most part, in compliance with the Rules for at least the past decade with a minimum of supervision from the Commission, it seems there may be more "reregulation" than necessary being prescribed in this proposed rulemaking for the industry. That concerns me and I would like to address those items.

Since the move in the early seventies to reduce the requirements for "First Phone" operators, emphasis was placed on Third Class Broadcast Endorsed Operators, then RP Operators, as those being "in charge" of station operations. While it may have been assumed by many that the main duties of these employees was to be in charge of the operation of the station transmission equipment, in most cases these operators were and continue to be the station "disc jockies", who, over time, became less concerned with station operation and only concerned with being "air personalities". A quick review of most station

operations will find this to be the case. Operators became figureheads, having little or no knowlege of the technical operation of the station. As emphasis at stations has been placed on lean operations to maintain the bottom line in an ever more competitive, maturing business, there has been a general attrition in the ability or desire of most of these "operators" to comprehend the technical broadcast operation. As such, the real responsibility for stable technical station operation fell to the station technician, who carried the technical burden. In most cases he/she maintained the station quite well, making the facility more reliable and requiring less attention. This reliability was further enhanced with the advent and integration of solid state equipment into the system and with the development of better equipment systems (for example, the adoption of directly modulated FM exciters replacing the indirect or "phase modulated" exciters, often of tube variety). This increased reliability augmented the operator problem, since with more stability the "operators" took the stable operation for granted, thus creating more complacency regarding operator concern for the station technical operation. Thus, it is my contention here, that many stations have been operating with a defacto unattended operation for a considerable time, although these stations have "operators" (in name only) as required by the Rules. These stations are in compliance and operate within the technical standards of the Rules and operate quite well, without any negligence or irresponsibility of which the Commission

expressed concern. Many stations operate with older equipment, less than "state of the art", since many stations cannot continually afford to update their equipment. The industry as a whole operates in this manner with a stability that has, more or less, proven itself over the past several years.

Thus, with the broadcast industry experiencing slow revenue growth and continued competition from other entertainment alternatives, it would be unfortunate to see the Commission add unnecessary restrictions to these operations by requiring additional requirements that are not necessary and may be overly restrictive. Let it be said that the argument here is not for reduced technical standards (although it is believed that certain requirements for minimum modulation levels and minimum power levels should be discarded since most stations operate as businesses and know the necessity for maintaining proper power and modulation levels), emphasis should be placed on compliance with these technical standards and not with how those standards should be monitored or controlled. For example, it is very feasible with the use of "constant voltage" transformers and other techniques to make even an older transmitter very stable in terms of output power variation. Therefore, it is not necessary in this instance to have a method to vary the power with the unattended operation control device, this control being unnecessary. If the transmitter did go over power, merely taking the station off the air should suffice, if the station so desired, till the situation could be manually remedied, since such an increase in

this case would indicate a material equipment failure requiring attention through a visit to the station. Most exciters manufactured since the mid 1970's are solid state and direct FM using phase locked loops. These will not produce output if they go "out of lock", making them extremely stable in terms of frequency. If they are checked from time to time with an inexpensive frequency counter, it does not seem necessary to monitor the frequency via an ATS system or through unattended operation. Communications and paging transmitters do not require this type of monitoring and seem to perform satisfactorily. Most solid state limiters manufactured since 1970 have demonstrated themselves as completely reliable in controlling modulation levels. Is it necessary to have circuitry to adjust modulation levels? It has been my experience that when audio limiters fail they usually reduce their audio level, reducing modulation, and creating distortion, necessitating a trip to the station anyway to repair or replace the unit. Thus, while the monitoring requirements may be important, the control requirements the Commission has specified are burdensome in many cases. It is necessary to maintain the technical standards within compliance. But if they can't be maintained then the station should have the option to automatically terminate transmission until a repair is made, instead of being required to have an number of unnecessary control functions.

Regarding unattended operation, it is assumed that this operation will always be controlled by some "ATS-Type" system

which can be accessible by telephone. It could also initiate outgoing calls. But, the most effective way to get the attention of station management in the event of a problem is to remove the station from the air. Pagers or telephones may from time to time be ignored or not work properly, but a "sure fire" method of getting management's attention is to remove the station carrier. This is because the station operation is a business function, serving the listeners and the station customers and obtaining revenue from that process. All of that stops when the station leaves the air, and it doesn't take long for management to react. Good owners/managers are always in communication with the station operation; someone is always listening either directly or indirectly through a friend or a relative and word of being "off air" spreads rapidly. Therefore, the ultimate form of communication for the unattended operation is to have the control system remove the station from the air if EBS alerts, failed tower lights, over power operation, etc., go unacknowledged.

The Commission mentioned that it may wait until the new Emergency Alert System is implemented to approve unattended operation. Consideration should be given to allowing unattended operation under the present EBS system. The present EBS system is workable with current ATS systems and should also work with the proposed unattended operation. The station could designate a person or persons to be responsible for EBS alerts, having receivers at the station as well as at homes and carrying portable units. If an EBS alert was received by the station but

not acknowledged through the controller (for example, if the controller was not reset by telephone after it received an EBS alert), the station carrier would be removed from the air. This seems to be a better method to allow stations to more quickly implement unattended operation and reducing the present operating burden stations now have. Additionally, this may be more expedient and less confusing then trying to purchase, install, and learning to untilize two, new, primary systems (new controller and new EAS systems) at the same time. Also, practical experience indicates that most weather alerts are first received via the weather radio and other local reports, and the EBS is secondary in relaying important weather related information. (This is not meant to diminish the importance of the EBS system but speaks of the effectiveness of the NOAA weather radio system.) The new EAS system will be rapidly deployed when the industry fully understands it and reasonably priced equipment is available. The industry needs the relief from operator requirements now.

The Commission has indicated that it should investigate establishment of a database so that responsible station management can always be contacted. My thoughts here are that this would be an unnecessary expense and undertaking which would result in a database which would never be accurate or "up to date". Commercial broadcast stations spend considerable time and money making themselves accessible to the public. They publish their telephone numbers and welcome callers. With the advent of "voice mail" and even simple answering machines there

is no excuse for any station not to have a method of answering the telephone in some fashion on a 24 hour basis. As such, in conjunction with the above, stations could, when unattended, present with their voice mail or answering system an "emergency number" whereby a responsible person could be reached during these "off-hours". In a large market this could be an answering service who would screen the calls and call a pager or someone's house or the caller could be routed to the station's news department. In a small market the emergency number could be the telephone of the general manager's home, or something similar. In either case it would be up to the station to provide the number. The Commission could spot check stations and fine those found not in compliance. Funeral homes, water companies, heating services, etc., use this system for after hours contacts. Why not radio stations? It seems a lot less complicated and a lot more practical than starting and keeping a database which will always be outdated. It is a good idea to post the station's call letters at the transmitter site. Most already have them there. Of course the number can then be found in the telephone book.

Regarding the requirement that the carrier be removed from the air within 3 minutes of a failure, consideration could be given, for convenience sake, to extending this to five or ten minutes, although not necessary. Regarding the requirement that the Commission be notified after 10 days for certain conditions of operation (for example, reduced power) consideration should be given to increasing that to 30 days prior to notifying the

Commission. The reason for this is a good one: Conditions that require operation at reduced power, etc., that cannot be remedied within several hours, are usually conditions that require special parts or special service which normally require more than ten days to obtain and install. Thirty days would certainly make this easier and reduce the amount of unnecessary requests the Commission receives.

In conclusion, it is my opinion that the Commission should adopt provisions for unattended operation and remove the operator requirements, making the RP obsolete. Consideration should be given to implementing measures in this adoption that emphasize compliance with the technical standards set forth by the Commission, but without requirements for the control of parameters such as power or modulation. Control of these items is not necessary, since many times excessive variation in these items may require repair at the station anyway. As such the Commission should require compliance and removal of the station carrier if compliance cannot be maintained.

Thank you for the opportunity to make these comments.

Yours very truly,

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